

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES <div style="text-align: center;">v.</div> JEROME LASSITER)))))))	No. 04-10114-DPW
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MOTION TO CONTINUE

The defendant, Jerome Lassiter, hereby moves this Court to continue the April 21, 2005 hearing and to reschedule it as a Rule 11 hearing only. As reasons herein, the defendant first states that his counsel will be necessarily out of Massachusetts on that date. Counsel notified the government's attorney of this conflict, and the government did not object. Second, this Court temporarily released the defendant from federal detention on March 3, 2005, in order to enter an in-patient treatment program for drug dependency. The Court relied upon an AdCare Report that indicated the defendant has reported years of drug abuse and would need lengthy treatment to effectively end his dependency. A copy of that report is attached. In ordering the release, this Court specifically stated that the defendant was to receive significant treatment that was not to be "a short, i.e., thirty day program." *See* docket entry, 3/03/2005 (confirming Magistrate Judge Alexander's order). Within a week of that hearing, the defendant was released to the Ryan House rehabilitation facility in Lynn, Massachusetts, where he is currently participating in a four to six month program. It is counsel's understanding that a Ryan House counselor, Steve Erickson, recently wrote to the Court and confirmed the defendant's treatment. The defendant is not being credited for the time he is spending at the Ryan House toward any federal sentence he may receive if he changes his plea.

The defendant further states that while he is receiving treatment, he will be unable to contact his counsel for more than a few minutes at a time. Several issues pertaining to his case are still outstanding and must be discussed with counsel in a meaningful manner. A separate Rule 11 hearing will allow the Court to supplement the defendant's PSR with information regarding 18 U.S.C. § 3553(a) factors, such as the defendant's addiction and treatment, which are now relevant in light of the recent *Booker* and *Shepard* Supreme Court decisions. The defendant asks that a Rule 11 hearing be continued until at least late August or mid-September 2005, so that he may be allowed to finish his treatment at the Ryan House. The defendant is concerned that an earlier date would mean prematurely returning to U.S. Marshals' custody, where he would have to remain if he changes his plea, due to the nature of the charged offenses. In the interests of justice, the defendant must be allowed to complete his treatment before the Court resumes action on his case.

WHEREFORE, for the reasons discussed above, the defendant requests that a Rule 11 hearing be continued to a date after which he may reasonably complete his in-patient drug rehabilitation treatment.

JEROME LASSITER

By his attorney,

/s/ John H. Cunha Jr.

John H. Cunha Jr.

B.B.O. No. 108580

CUNHA & HOLCOMB, P.C.

One State Street, Suite 500

Boston, MA 02109-3507

617-523-4300

Dated: April 13, 2005